

## **Victims' Compensation Assistance Program Advisory Council**

**May 15, 2019**

**Department of State, Executive Conference Room  
820 N. King Street, 4<sup>th</sup> Floor  
Wilmington, DE 19801**

**Members Present:** Deb Reed, Chair, police advocate; Ernst Arndt, Kent County public member; Mary Skaats, Sexual Assault Network of Delaware; Stephanie Hamilton, Sexual Assault Network of Delaware; Jane Curschmann, New Castle County public member; Erica Davis, DV Task Force; Abby Layton, Department of Justice.

**Nonmembers Present:** Paige Schmittinger, Executive Director; Dale Wyatt, VCAP Senior Investigator; Nicole Verbanas, VCAP Investigator; Alyce Doody, VCAP Investigator; Evelyn Ortiz, VCAP Investigator.

### **Welcome and Introductions**

The meeting was called to order at 2:05pm. Introductions were made with a special welcome to the newest member, Ernst Arndt, who was recently appointed as the Kent County public member.

### **Approval of the Minutes**

Minutes were approved from the June 25, 2018 meeting with a motion by Jane Curschmann and a second by Abby Layton.

### **Financial Report**

Paige Schmittinger handed out and reviewed the financial report. The crime victim fund balances as of March 31, 2019 total \$3,970,129.57. The total victim payments so far in fiscal year 2019 total \$1,589,799.04. In calendar year 2018, VCAP rendered 2,958 payments totaling \$2,227,820.89. 436 claims have been filed so far in calendar year 2019.

### **Restitution and Surcharge Information**

Paige Schmittinger presented information on VCAP's revenue and restitution collection. VCAP only recouped \$171,197.35 in restitution in 2018. In an effort to increase restitution collection, one of the VCAP Investigator positions was successfully reclassified to encompass the tracking and recovery of restitution to VCAP. An informal DOJ working group has been established to address issues surrounding restitution collection department-wide. Paige is working on drafting a memorandum for submission to the DOJ Administration outlining these issues.

### **Membership vacancy**

The membership vacancy for the Kent County seat has been filled by the appointment of Ernst Arndt; however, the expiration of Kristin Froehlich's term creates another vacancy in the mental health profession.

### **Funeral and Burial Benefits**

Further discussion was had for the need to potentially increase the funeral and burial benefit. The goal of the Council is to make sure that eligible families can have a funeral and burial without having to pay anything out-of-pocket unless they want to. The current funeral benefit is in line with the national average; however, it was discussed that it may be helpful to break out the funeral and burial benefit to make them separate and distinct benefits. Paige Schmittinger is going to continue to work toward establishing a “base cost” for a funeral.

### **Bradley Claims**

VCAP has received six applications from Bradley victims. Paige Schmittinger had a conversation with Pat Dailey Lewis on how to handle these claims. The two agreed that the applicants need to explore the other options available to them. Specifically, they need to apply to Bradley Latent Injury Trust and the Beebe medical card program. Paige Schmittinger will draft a standard letter to use in these cases.

### **Out-of-State Sexual Assault Claims**

VCAP Executive Director Paige Schmittinger presented an issue that VCAP has been seeing with regard to out-of-state sexual assault claims. Historically, VCAP has not paid for sexual assault nurse examinations if the sexual assault occurred out of state. Instead, VCAP has required the claim to be submitted to the state compensation agency where the sexual assault occurred. 11 *Del. C.* § 9023 is the statutory section that authorizes payment for sexual assault nurse examinations and it does not specifically have a requirement that the sexual assault occur within Delaware. There was discussion surrounding the issue and it was agreed that sexual assault nurse examinations completed in Delaware should be covered by Delaware VCAP regardless of where the sexual assault occurred.

### **Trends and Comments**

The National Association of Crime Victim Compensation Boards National Conference National Conference is scheduled for August. The conference is open to crime victim compensation managers, staff, and Board members. After discussion, it was determined that Deb Reed should attend as Chairperson of the Council.

### **Public Comment**

None.

**Meeting adjourned at 11:49 a.m.**